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9
10 Attorneys for Plaintiff
United States of America

11 IN THE UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,
15 Plaintiff,
16 v.
17 J. DESHAWN TORRENCE,
18 Defendant.

CASE NO. 1:22-CR-207 JLT
STIPULATION AND ORDER
DATE: August 15, 2022
TIME: 2:00 p.m.
COURT: Hon. Sheila K. Oberto

20 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
21 through defendant's counsel of record, hereby stipulate as follows:

22 1. On July 28, 2022, the returned an indictment, which was ordered sealed, finding there was
23 probable cause that the defendant, a former officer with the Sanger Police Department, willfully
24 deprived four different women, whom he encountered in his capacity as a police officer, of their
25 Constitutional rights to bodily integrity by sexually assaulting them. 18 U.S.C. § 242. The indictment
26 charges ten counts. Four of the counts charge that the defendant's conduct included either aggravated
27 sexual abuse or attempted aggravated sexual abuse, and therefore each of those counts carries a
28

1 maximum penalty of up to life in prison. Another count charges that the defendant's conduct resulted in
2 bodily injury and that count carries a maximum penalty of 10 years in prison. The five remaining counts
3 each carry a maximum of one year in prison.

4 2. On Friday, August 5, 2022, after the indictment was unsealed, the defendant was arraigned
5 by this Court and was ordered temporarily detained. At the time, the United States indicated that the
6 defendant had refused the collection of DNA, a routine booking procedure authorized for individuals
7 who are facing federal charges and are detained under authority of the United States. 34 U.S.C. §
8 40702.

9 3. 34 U.S.C. § 40702(a)(1)(A) provides: "The Attorney General may, as prescribed by the
10 Attorney General in regulation, collect DNA samples from individuals who are arrested, facing charges,
11 or convicted or from non-United States persons who are detained under the authority of the United
12 States." Torrence is facing charges and is detained under the authority of the United States.
13

14 4. 28 C.F.R. § 28.12(b) provides: "Any agency of the United States that arrests or detains
15 individuals or supervises individuals facing charges shall collect DNA samples from individuals who are
16 arrested, facing charges, or convicted, and from non-United States persons who are detained under the
17 authority of the United States." Torrence is facing charges and was detained after he turned himself into
18 the FBI at the United States Marshals Service office in Fresno.
19

20 5. Counsel for the defendant stipulates to the collection of a DNA sample, pursuant to the
21 foregoing statutory and regulatory authority, by the United States Marshals Service or FBI.
22

23 IT IS SO STIPULATED.

24 Dated: August 12, 2022

PHILLIP A. TALBERT
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26 By: /s/ KAREN A. ESCOBAR
27 KAREN A. ESCOBAR
Assistant United States Attorney

28 KRISTEN CLARKE

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/s/ FARA GOLD
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Civil Rights Division, Criminal Section
U.S. Department of Justice

/s/ Mohamad Baydoun
MOHAMAD BAYDOUN
Counsel for Defendant J. DeShawn Torrence

ORDER

It is so ordered..

DATED: 8/15/2022

Sheila K. Oberto
SHEILA K. OBERTO
U.S. Magistrate Judge